

PATENT
Serial No. 10/525,474
Amendment in Reply to Final Office Action mailed on March 29, 2006
Advisory Action mailed on May 24, 2006
and Petition Decision mailed on January 7, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on March 29, 2006, the Advisory Action mailed on May 24, 2006, and the Petition Decision mailed on January 7, 2008, which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

In the Final Office Action, claims 1-8 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,427,580 (Benedictus). The Examiner indicated that a terminal disclaimer may be used to overcome this rejection. This rejection is respectfully traversed, particularly in view of the present amendments to the claims. However, it is respectfully submitted that Applicants will consider

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filling a terminal disclaimer, if necessary in view of any allowable claims, upon indication that the present application is otherwise allowable or includes allowable claims.

In the Final Office Action, claims 1-8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,574,185 (Wenger). It is respectfully submitted that claims 1-8 are patentable over Wenger for at least the following reasons.

Wenger is directed to a deep fryer having an oil tank, where an immersed heater 3 is controlled by a thermostat 2 which disconnects the heater 3 when the oil reaches a given temperature.

It is respectfully submitted that Wenger does not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 10 and 17 which, amongst other patentable elements, requires (illustrative emphasis provided) :

the control system being further adapted for generating the food lowering command signal based on steepness of a temperature rise over time of the temperature.

Further, Wenger does not teach or suggest the present

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invention as recited in independent claim 9, and similarly recited in independent claim 15 which, amongst other patentable elements, requires (illustrative emphasis provided):

wherein the controller is configured to
temporarily provide a boost to increase the upper
limit to an increased value so that the heater remains
activated when the temperature is above the upper
limit and below the increased value for lowering food
into the cooking medium.

Accordingly, it is respectfully submitted that independent claims 1, 9 and 15 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-8, 10-14 and 16-19 should also be allowed at least based on their dependence from independent claims 1, 9 and 15 as well as for the separately patentable elements contained in each of said claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Applicants reserve the right to submit

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further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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February 4, 2008

Enclosure: Renewed Petition

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